

REMARKS

Claims 1, 2, 5, 6, 9, 13, 16, 20, 25, 27, 28, 30-34, 38, 40-50 and 58-69 were pending and rejected. Please note that claims 41-43 have been inadvertently labeled in the first page of the last couple of Office Actions as not pending. However, claims 41-43 have not been canceled, and the Examiner continues to examine them. Reconsideration is respectfully requested.

Applicant respectfully thanks Examiner Tomaszewski and Examiner Gilligan for the telephone interview on September 19, 2007 during which Applicant's representative, Marc Sockol, and the Examiners discussed the cited references relative to the claims, as amended herein. Examiners Tomaszewski and Gilligan agreed that the amendments render the independent claims patentable over the art of record.

Support for each of the amendments herein can be seen at least in Figure 1 and in paragraphs 30, 39, 40, 41, 47, 58, 59, 61, 65, and 70. For example, paragraphs 40, 61, and 65 describe electronic communication of diagnostic test results to the physician. And, Figure 1 shows the non-medical professional, in this case the physician, and the treatment facility, in this case the hospital, as separate and remote from the diagnostic testing equipment. Further, paragraphs 30, 39, 40, 41, 47, 58, 59, 65 and 70 describe that the diagnostic test can be administered by a non-medical-professional, including by one's self or by a friend at work.

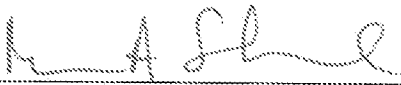
In sections 2 and 3, the Examiner rejected claims 1, 2, 5, 6, 9, 13, 16, 20, 25, 27, 28, 30-34, 38, 40, 44-50 and 58-69 as failing to comply with the written description requirement. Specifically, the Examiner asserted that the specification does not provide support for the amendments made to claims 1, 5, 9, 16, 25, 40 and 58 in the prior response. The amendments to these claims include three general ideas, namely, (1) that the virtual clinic stores, for each diagnostic center, the location of the diagnostic center and identification of at least a portion of the diagnostic testing equipment at the diagnostic center; (2) enabling the patient to obtain the location of at least one diagnostic center having diagnostic testing equipment corresponding to the particular test; and (3) communicating the diagnostic test results to the medical professional. Support is found for (1) and (2) in paragraph 47, which states "the virtual clinic may keep track

of the diagnostic testing equipment located at public facilities, and use, for example, zip codes to determine if the public facility is near the patient." This language indicates that the virtual clinic stores the location and the diagnostic testing equipment located at each of the diagnostic centers. This language further indicates that the patient can obtain the location of a diagnostic center having the required diagnostic testing equipment. Support is found for (3) at least in paragraph 40, which states "diagnostic testing equipment 122 is in communication 126 with the virtual clinic 102, such that patients 104 can access 124 the diagnostic testing equipment 122 and submit the diagnostic testing results to the virtual clinic 102 through communication 126 and ultimately to physicians 108." The language indicates that the diagnostic test results can be communicated to the medical professional. Accordingly, Applicant respectfully submits that the Specification does provide proper written description for the amended language, and respectfully requests the rejection be withdrawn.

Applicant respectfully submits that all rejections have been addressed and respectfully requests a notice of allowance. If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

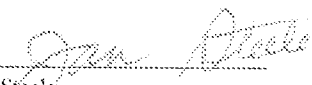
Respectfully submitted,

Date: October 9, 2007

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CERTIFICATE OF TRANSMISSION/MAILING

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Date: October 9, 2007 By: 

Jan Steele